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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,335	12/04/2000	Charles H. Dennison	MI22-1577	8465
21567	7590	06/04/2002	EXAMINER	
WELLS ST. JOHN P.S. 601 W. FIRST SUITE 1300 SPOKANE, WA 99201-3828			NADAV, ORI	
		ART UNIT	PAPER NUMBER	
		2811		
DATE MAILED: 06/04/2002				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/730,335	DENNISON, CHARLES H. <i>Chm</i>
	Examiner ori nadav	Art Unit 2811

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 April 2002.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 57-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 58 and 59 is/are allowed.
- 6) Claim(s) 57 and 60-81 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s). <u>10</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                 |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### ***Double Patenting***

1. Applicant is advised that should claims 60 and 61 be found allowable, claims 76 and 77 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 57, 60 and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ku (5,856,237) in view of Visokay et al. (6,211,034), Igarashi (6,107,656).

Ku teaches in figure 4F a field effect transistor comprising: a pair of source/drain regions 112 having a channel region positioned therebetween; and a gate positioned

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operatively proximate the channel region, the gate comprising semiconductive material 118 conductively doped with at least one of a p-type or n-type conductivity enhancing impurity effective to render the semiconductive material electrically conductive, a silicide layer 124 and a conductive diffusion barrier layer 140 effective to restrict diffusion of p-type or n-type conductivity enhancing impurity formed over the silicide layer, the conductive diffusion barrier layer comprising TiWxNy, TiOxNy.

Although Ku does not explicitly state that the semiconductive material conductively is doped with at least one of a p-type or n-type conductivity, this feature is inherent in Ku's device, because it is notoriously well known that the polysilicon is made to be conductivity doped in order to make a functional MOSFET.

Ku does not teach conductive diffusion barrier layer comprising TiWxNy..

Visokay et al. teach a conductive diffusion barrier layer comprising TiN or TiWxNy (column 9, lines 3-7).

Igarashi teaches a gate electrode comprising TiN or TiWxNy (column 4, lines 4-9).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a conductive diffusion barrier layer comprising TiWxNy in Ku's gate electrode, in order to prevent diffusion and to strengthen the adhesion, and because TiN and TiWxNy are conventional interchangeable materials used as conductive barrier diffusion layers in a gate electrode. Note that substitution of

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materials is not patentable even when the substitution is new and useful. Safetran Systems Corp. v. Federal Sign & Signal Corp. (DC NIII, 1981) 215 USPQ 979.

4. Claims 57, 61 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bai et al. (5,818,092) in view of Visokay et al. (6,211,034), Igarashi (6,107,656). Bai et al. teach in figure 2C a field effect transistor comprising: a pair of source/drain regions 216 having a channel region positioned therebetween; and a gate positioned operatively proximate the channel region, the gate comprising semiconductive material 204 conductively doped with at least one of a p-type or n-type conductivity enhancing impurity effective to render the semiconductive material electrically conductive, a silicide layer 220 and a conductive diffusion barrier layer 206 effective to restrict diffusion of p-type or n-type conductivity enhancing impurity, the conductive diffusion barrier layer comprising TiN (column 4, lines 18-19) formed under the silicide layer 220. Bai et al. do not teach conductive diffusion barrier layer comprising TiWxNy.

Visokay et al. teach a conductive diffusion barrier layer comprising TiN or TiWxNy (column 9, lines 3-7).

Igarashi teaches a gate electrode comprising TiN or TiWxNy (column 4, lines 4-9).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a conductive diffusion barrier layer comprising TiWxNy in Bai et al.'s gate electrode, in order to prevent diffusion and to strengthen the adhesion,

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and because TiN and TiWxNy are conventional interchangeable materials used as conductive barrier diffusion layers in a gate electrode. Note that substitution of materials is not patentable even when the substitution is new and useful. Safetran Systems Corp. v. Federal Sign & Signal Corp. (DC NIII, 1981) 215 USPQ 979.

5. Claims 62-64, 67-68, 70-71 and 80-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfiester (4,997,785) in view of Wu (5,710,454) and Hachiya (5,244,835) or Dennison (5,637,525).

Pfiester teaches in figure 7 and related text an Integrated circuitry comprising: a field effect transistor including a gate, a gate dielectric layer, source/drain regions 24, 26 and a channel region; the gate comprising semiconductive material 16 conductively doped with a conductivity enhancing impurity of a first type N+ and a conductive diffusion barrier layer 30 effective to restrict diffusion of first or second type conductivity enhancing impurity; and insulative material 44 received proximate the gate, wherein the semiconductive material within the insulating material contacts the conductive diffusion barrier layer of the gate, and wherein the conductive diffusion barrier layer is received over the gate semiconductive material, and the semiconductive material within the insulating material is received over the gate..

Pfiester does not teach a contact structure extending through the insulative material to the gate, wherein the contact structure including a semiconductive material provided

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through the insulative material being conductively doped with a conductivity enhancing impurity of a second type P+, such that the conductive diffusion barrier layer of the gate being provided between the gate semiconductive material and the semiconductive material provided through the insulative material. That is, Pfiester does not teach a contact structure including a semiconductive material provided through insulative material 44 being conductively doped with a conductivity enhancing impurity of a second type P+ and making contact to layer 20 having a conductivity enhancing impurity of a second type P+.

Wu teaches in figure 3 and related text a contact structure extending through insulative material 22a to the gate, wherein the contact structure including a semiconductive material provided through the insulative material being conductively doped with a conductivity enhancing impurity of a conductivity type, such that the conductive diffusion barrier layer of the gate being provided between the gate semiconductive material and the semiconductive material provided through the insulative material, the insulative material comprises an opening substantially void of any conductive diffusion barrier layer material. wherein neither of the contact structure sidewalls aligning with either of the opposing sidewalls of the gate in one cross section (column 10, lines 51-58).

Hachiya teaches in figure 4 a contact structure 16N including a semiconductive material being conductively doped with a conductivity enhancing impurity of a first N+

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type making contact to a region of a semiconductive material being conductively doped with a conductivity enhancing impurity of a first N+ type, and a contact structure 17P including a semiconductive material being conductively doped with a conductivity enhancing impurity of a second P+ type making contact to a region of a semiconductive material being conductively doped with a conductivity enhancing impurity of a second P+ type.

Dennison teaches in figure 11 a contact structure 54 including a semiconductive material being conductively doped with a conductivity enhancing impurity of a first N+ type making contact to a region 56 of a semiconductive material being conductively doped with a conductivity enhancing impurity of a first N+ type, and a contact structure 40 including a semiconductive material being conductively doped with a conductivity enhancing impurity of a second P+ type making contact to a region 42 of a semiconductive material being conductively doped with a conductivity enhancing impurity of a second P+ type.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a contact structure extending through the insulative material to the gate, wherein the contact structure including a semiconductive material provided through the insulative material being conductively doped with a conductivity enhancing impurity, as taught by Wu, of a second type P+, as taught by Hachiya and Dennison, such that the conductive diffusion barrier layer of the gate being provided between the

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gate semiconductive material and the semiconductive material provided through the insulative material in Pfiester's device, in order to operate the device by providing external connections to the gate, and in order to simplify the processing steps of making the device and to reduce the contact resistance and the device characteristics, respectively. The combination is motivated by the teachings of Pfiester who points out that the device can be used in an application which requires a contact structure contacting the gate, and by the teachings of Hachiya and Dennison who point out the advantages of using a contact structure of one conductivity type to make contact to a region of the same conductivity type.

Regarding claim 64, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a first type p and a second type n in Pfiester's device, in order to use the device in an application which requires electrical contact to the NMOS.

Regarding claim 68, the semiconductive material within the insulating material of prior art's device does not contact the conductive diffusion barrier layer of the gate.

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6. Claims 65, 66, 69, 72, 74 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfiester, Wu, Hachiya and Dennison, as applied to claim 62 above, and further in view of Ku (5,856,237).

Regarding claim 65, Pfiester, Wu, Hachiya and Dennison teach substantially the entire claimed structure, as applied to claim 62 above, except a gate also comprises a conductive silicide.

Ku teaches in figure 4F a gate comprises a conductive diffusion barrier layer 140 selected from the group consisting of WxNy, TiOxNy, and TiWxNy, and mixtures thereof over a conductive silicide 124 comprising TiSi.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a gate also comprises a conductive silicide in prior art's device, in order to reduce the contact resistance of the gate.

Regarding claim 66, the silicide and the conductive diffusion barrier layer comprise the same material, Titanium.

7. Claim 73 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pfiester, Wu, Hachiya, Dennison and Ku, as applied to claim 72 above, and further in view of Chow et al. (4,847,111) and Charneski et al. (5,909,637)..

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Pfiester, Wu, Hachiya, Dennison and Ku teach substantially the entire claimed structure, as applied to claim 72 above, except a conductive diffusion barrier layer comprising WxNy.

Chow et al. teach in figure 1c a conductive diffusion barrier layer comprising WxNy. Charneski et al. teach a conductive diffusion barrier layer comprising WxNy, TiOxNy, TiN and TiWxNy (column 10, lines 20-22).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a conductive diffusion barrier layer comprising WxNy in prior art's device, in order to prevent diffusion and to strengthen the adhesion, and because TiOxNy, TiN and WxNy are conventional interchangeable materials used as conductive barrier diffusion layers in a gate electrode. Note that substitution of materials is not patentable even when the substitution is new and useful. *Safetran Systems Corp. v. Federal Sign & Signal Corp.* (DC NIII, 1981) 215 USPQ 979.

8. Claim 75 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pfiester, Wu, Hachiya, Dennison and Ku, as applied to claim 72 above, and further in view of Igarashi and Charneski et al. (5,909,637)..

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Pfiester, Wu, Hachiya, Dennison and Ku teach substantially the entire claimed structure, as applied to claim 72 above, except a conductive diffusion barrier layer comprising TiWxNy.

Igarashi teaches a gate electrode comprising TiN or TiWxNy (column 4, lines 4-9).

Charneski et al. teach a conductive diffusion barrier layer comprising WxNy, TiOxNy, TiN and TiWxNy (column 10, lines 20-22).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a conductive diffusion barrier layer comprising TiWxNy in prior art's device, in order to prevent diffusion and to strengthen the adhesion, and because TiOxNy, TiN and TiWxNy are conventional interchangeable materials used as conductive barrier diffusion layers in a gate electrode. Note that substitution of materials is not patentable even when the substitution is new and useful. Safetran Systems Corp. v. Federal Sign & Signal Corp. (DC NIII, 1981) 215 USPQ 979.

9. Claims 65 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfiester, Wu, Hachiya and Dennison, as applied to claim 62 above, and further in view of Bai et al. (5,818,092).

Pfiester, Wu, Hachiya and Dennison teach substantially the entire claimed structure, as applied to claim 62 above, except a gate also comprises a conductive silicide over a conductive diffusion barrier layer.

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Bai et al. teach in figure 2C a conductive silicide 220 over a conductive diffusion barrier layer 206.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a gate also comprises a conductive silicide over a conductive diffusion barrier layer in prior art's device, in order to reduce the contact resistance of the gate.

***Allowable Subject Matter***

10. Claims 58 and 59 are allowed.

***Reasons for allowance***

11. The following is an examiner's statement of reasons for allowance: Prior art does not teach a conductive diffusion barrier layer comprising WxNy and TiWxNy, and a conductive diffusion barrier layer comprising TiOxNy and TiWxNy

***Response to Arguments***

12. Applicant argues that none of prior art's references teach a gate comprising a doped semiconductive material, a silicide layer and a conductive diffusion barrier layer comprising TiWxNy and effective to restrict diffusion of enhancing impurity.

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In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Ku teaches substantially the entire claimed structure except a diffusion barrier layer comprising TiWxNy, wherein Visokay et al. and Igarashi teach a gate electrode comprising TiWxNy.

13. The rest of applicant's arguments with respect to claims 58-81 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References E-I are cited as being related to gate electrodes comprising barrier layers and doped polysilicon.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Papers related to this application may be submitted to Technology center (TC) 2800 by facsimile transmission. Papers should be faxed to TC 2800 via the TC 2800 Fax center located in Crystal Plaza 4, room 4-C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 2811 Fax Center number is (703) 308-7722**

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**and 308-7724. The Group 2811 Fax Center is to be used only for papers related to Group 2811 applications.**

Any inquiry concerning this communication or any earlier communication from the Examiner should be directed to *Examiner Nadav* whose telephone number is **(703) 308-8138**. The Examiner is in the Office generally between the hours of 7 AM to 4 PM (Eastern Standard Time) Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas, can be reached at **(703) 308-2772**.

Any inquiry of a general nature or relating to the status of this application should be directed to the **Technology Center Receptionists** whose telephone number is **308-0956**

*Tom Thomas*  
TOM THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

Ori Nadav

May 31, 2002

<b>Interview Summary</b>	Application No. 09/730,335	Applicant(s) DENNISON, CHARLES H.
	Examiner ori nadav	Art Unit 2811

All participants (applicant, applicant's representative, PTO personnel):

(1) ori nadav. (3) \_\_\_\_\_.

(2) mark matkin. (4) \_\_\_\_\_.

Date of Interview: 30 May 2002.

Type: a) Telephonic b) Video Conference  
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 57-81.

Identification of prior art discussed: prior art of record.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Mark Matkin did not agree to amend the claims in order to allow the case.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) It is not necessary for applicant to provide a separate record of the substance of the interview(if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### **Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record**

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### **Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews**

#### **Paragraph (b)**

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### **37 CFR §1.2 Business to be transacted in writing.**

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### **Examiner to Check for Accuracy**

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.